



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David Fu

Serial No. 10/662,632

Filed: September 15, 2003

Title: Display Holders for Flat Items

Attorney Docket 10448

Group Art Unit: 3611

Examiner: Brian Green

DECLARATION UNDER 37 C.F.R. §1.132

I, Kevin P. Higgins, hereby declare:

(1) I am Chief Financial Officer of Ultra Pro L.P., the assignee of the entire interest in the above-referenced application for patent.

(2) I am familiar with the products of Ultra Pro and with the sales of such products. Ultra Pro markets various holders for collectible cards such as sports cards, including Ultra Pro's Part #81575 and Part #81139. Part #81139 is a screw-down type of holder utilizing a single threaded screw to fasten the holder's base and cover panel together, while Part #81575 is substantially similar to Part #81139 except that Part #81575 does not include a screw but instead uses a pair of embedded magnets to maintain the panels together in a closed condition. The #81575 magnetic holder was introduced to the marketplace as an alternative to the #81139 1-screw screw-down holder. A major advantage of the #81575 magnetic holder over the #81139 1-screw screw-down holder is that the magnetic holder does not include a separable fastener (screw) which is subject to loss and which requires a tool (such as a screwdriver) for fastening and unfastening the panels. The #81575 magnetic holder and the #81139 1-screw screw-down holder are shown in the attached Exhibit 1, which is a copy of page 13 of the current Ultra Pro

Hobby Catalog (the entire catalog may be accessed at Ultra Pro's website at www.ultrapro.com).

(3) I am familiar with the disclosure of the above-captioned patent application of David Fu, assigned to Ultra Pro. The #81575 magnetic holder is substantially as shown in FIGs. 1-11 of that patent application.

(4) Set forth below is a tabulation of Ultra Pro's sales of the #81575 holder (indicated as "Magnetic" in the tabulation) and the #81139 holder (indicated as "1-Screw" in the tabulation), for each calendar quarter from the first calendar quarter of 2003 through the second calendar quarter of 2005 (it being noted that the #81575 magnetic holder was introduced at the beginning of the third calendar quarter of 2003). The sales of each of these holders are tabulated in both dollars and units sold. During the period of the tabulation, the average unit price of the #81139 1-screw holder was 26.3 cents, while the average selling price of the #81575 magnetic holder was 37.0 cents per unit.


Quarter	Sales			
	Magnetic		1-Screw	
	Dollars	Units	Dollars	Units
1Q 2003	0	0	34,845	136,000
2Q 2003	0	0	22,680	87,200
3Q 2003	11,472	31,800	25,660	98,600
4Q 2003	12,588	34,800	23,296	89,600
1Q 2004	9,132	24,600	25,864	99,427
2Q 2004	7,236	19,400	21,372	82,200
3Q 2004	9,636	26,600	21,736	83,600
4Q 2004	21,024	58,400	17,906	68,800
1Q 2005	20,970	57,600	32,656	125,600
2Q 2005	32,772	82,800	13,360	45,600

(5) The above comparative sales tabulation is shown in graphical form in the attached Exhibits 2 and 3. Exhibit 2 shows quarterly dollar sales of the #81575 magnetic holder (in black) and of the #81139 1-screw holder (in white), while Exhibit 3 shows the

quarterly unit sales of the #81575 magnetic holder (in black) and of the #81139 1-screw holder (in white).

(6) As may be determined from the above tabulation and Exhibits 2 and 3, during the third calendar quarter 2003 (the first calendar quarter of the magnetic holder's introduction) the #81575 magnetic holder dollar sales accounted for 44.7% of the #81139 1-screw holder dollar sales, or 30.9% of total dollar sales (i.e., the sum of the #81575 magnetic holder sales and #81139 1-screw holder sales), while #81575 magnetic holder unit sales accounted for 32.3% of #81139 1-screw holder unit sales or 24.4% of total unit sales. Two years after the introduction of the #81575 magnetic holder, during the second calendar quarter of 2005 (the most current calendar quarter), #81575 magnetic holder dollar sales accounted for 245% of #81139 1-screw holder dollar sales or 71.0% of total dollar sales, while #81575 magnetic holder unit sales accounted for 182% of #81139 1-screw holder unit sales or 64.5% of total unit sales.

(7) I further declare that all statements made herein of my own knowledge are true and that all statements on information and believe are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Kevin P. Higgins

Date: 7/13/05